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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0473 PJH
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME UNDER THE
v.)	SPEEDY TRIAL ACT
)	
DONALD CLYBURN,)	
)	
Defendant.)	

The United States and defendant Donald Clyburn stipulate to an exclusion of time under the Speedy Trial Act from October 3, 2007 to November 7, 2007, as follows:

On October 3, 2007, the parties appeared before the District Court Judge. Steven F. Gruel made his initial appearance in this case as defense counsel. Defendant was previously represented by Eric Safire.

At this appearance, the defendant requested, the government agreed, and the Court approved, an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from October 3, 2007 to November 7, 2007. The grounds for exclusion were under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv). Failure to grant the requested exclusion of time would unreasonably deny Defendant continuity of counsel. Furthermore, failure to grant the requested exclusion of

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1 time would unreasonably deny defense counsel the reasonable time necessary for effective
2 preparation, taking into account the exercise of due diligence. The parties agree that the ends of
3 justice served by excluding the period from October 3, 2007 to November 7, 2007, outweigh the
4 best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 A proposed Order is submitted with this stipulation.
6
7

8 DATED: October 4, 2007

Respectfully submitted,

9 SCOTT N. SCHOOLS
10 United States Attorney

11 /s/ Brigid S. Martin
12 BRIGID S. MARTIN
Special Assistant United States Attorney

13 /s/ Steven F. Gruel
14 STEVEN F. GRUEL
15 Counsel for Donald Clyburn
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0473 PJH
Plaintiff,)	
v.)	[PROPOSED] ORDER EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL ACT
DONALD CLYBURN,)	
Defendant.)	

Based upon the Stipulation of defendant Donald Clyburn and the United States, and for good cause shown, IT IS HEREBY ORDERED that time under the Speedy Trial Act, 18 U.S.C. § 3161(b), is excluded from October 3, 2007 to November 7, 2007, under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv). The Court finds that the failure to grant this exclusion of time would unreasonably deny counsel for the defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by such action outweigh the best interest of the public and the defendant in a speedy trial.

DATED: _____

HON. PHYLLIS J. HAMILTON
United States District Court Judge